IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

WP(C).No. 4814 of 2007(W)
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CP.49/2006 of J.M.F.C.,CHITTUR
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PETITIONER:
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C.D. SANTHOSH, AGED 44 YEARS,
S/O. C.K. DAMODARAN, SOUPARNIKA
VALIYAVELAMPATHY VILLAGE
KARIMANNOOR P.O., CHITTOOR
PALGHAT DIST.

BY ADV. SRI.C.P.SAJI
SRI.P.C.BABU
SMT.P.DEEPTHI

RESPONDENTS=:
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STATE OF KERALA, REP. BY EXCISE INSPECTOR
CHITTOOR, BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**R. BASANT, J.**

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W.P.C.No. 4814 of 2007 W

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Dated this the 13th day of February, 2007

**JUDGMENT**

The petitioner is the first accused in a prosecution, inter alia, under Section 64A of the Kerala Abkari Act. According to the petitioner, the charge against him is only under Section 64A and the other allegations raised in the case against the co-accused under Sections 8 and 55 of the Abkari Act have no relation to him. Merely because the allegations against the co-accused and the allegations against the petitioner can be tried jointly, the petitioner has been arrayed as an accused and the case against him has been committed to the Court of Sessions. According to the petitioner, this is causing him unnecessary difficulties. The petitioner is prepared to plead guilty to the charge under Section 64A of the Act. But the learned Asst. Sessions Judge, Palghat, before whom the matter is pending as S.C. 303 of 2006, has not framed the charges against the petitioner. The petitioner wants to go abroad. In these circumstances the short prayer of the petitioner is that charges against him may be directed to

be framed expeditiously so that the petitioner can advance his plea of guilty under Section 64 A of the Act.

3. The request of petitioner does appear to me to be absolutely justified. I need only direct the learned Asst. Sessions Judge, Palghat to frame charges in S.C. 303 of 2006 as expeditiously as possible, at any rate, within a period of 20 days from the date on which a copy of this judgment is produced before the learned Judge.

4. This writ petition is accordingly allowed.

5. Hand over copy of the judgment to the learned counsel for the petitioner for immediate production before the learned Magistrate.

**(R. BASANT)**
Judge

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